

Application Number 10/714,758
Amendment dated January 3, 2007
Responsive to Office Action mailed July 3, 2006

REMARKS

This Amendment is responsive to the Final Office Action dated July 3, 2006, and is submitted with a Request for Continued Examination. Applicant has amended claims 55, 57, 67, 74, 76, 83, 85 and 159, and cancelled claims 65 and 80. Applicant has also added claims 171-177. Claims 1-64, 66-79, 81-156 and 158-177 are pending, with claims 1-54 and 88-155 being withdrawn in response to a Restriction Requirement.

Clarity and Completeness of Office Actions

In Applicant's previous Amendments/Responses, Applicant repeatedly noted that the prior Office Actions merely recited Applicant's claim language and cited a handful of paragraphs from large and complicated references. Applicant also noted that the Office Actions provided no explanation whatsoever as to how Applicant's claims and the selected passages from the applied references were being interpreted.

Applicant also noted that the Office Actions rejected many of Applicant's claims by merely stating that those claims substantially duplicated other claims. Applicant disagreed with this assertion, and pointed to a number of limitations in those claims not found in the other claims.

Applicant also specifically requested some explanation of the final rejections in the Advisory Action, so that Applicant could make an informed decision whether to appeal or further amend the claims.

Unfortunately, these requests have uniformly fallen on deaf ears. Nonetheless, Applicant again requests that, to the extent an Office Action is issued in response to this Amendment, it includes clear explanations of the pertinence of any applied reference to each of Applicant's claims, as required by 37 C.F.R. § 1.104(c)(2).

Claim Rejection Under 35 U.S.C. § 102

In the Final Office Action, the Examiner rejected claims 55-87 and 156-170 under 35 U.S.C. § 102(e) as being anticipated by Hahn-Carlson et al. (US 2004/0010463, hereinafter "Hahn-Carlson"). Applicant respectfully traverses the rejection to the extent such rejection may be considered applicable to the amended claims. Hahn-Carlson fails to disclose each and every

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feature of the claimed invention, as required by 35 U.S.C. § 102(e), and provides no teaching that would have suggested the desirability of modification to include such features.

Applicant maintains that Han-Carlson fails to disclose or suggest at least: (1) a commitment to a selling practice; (2) monitoring compliance with that selling practice; (3) restricting display of an entity in the results of a search engine if the entity does not comply with the selling practice; and (4) updating or controlling presentment of a media object based on whether the entity complies with the selling practice, for at least the reasons stated in the previous Response. Each of these features is required by one or more of Applicant's independent claims 55, 74 and 83 as previously presented.

Applicant has also amended each of independent claims 55, 74 and 83 to require that the media object representative of the pre-commitment to a selling practice comprises an electronic seal of certification. Han-Carlson does not disclose or suggest delivery of an electronic seal of certification to potential buyers, much less updating or controlling presentment of an electronic seal of certification based on whether the entity complies with a selling practice, as required by the independent claims as amended.

Applicant has also amended independent claim 55 to require that monitoring whether the online entity complies with the selling practice occurs prior to any interaction in the online marketplace between the online entity and the potential buyer. This requirement is entirely different than, and not suggested by, monitoring to determine whether a seller has delivered a good to a buyer after a transaction, as taught by Han-Carlson.

Further, Han-Carlson fails to disclose or suggest a commitment to a buyer guarantee prior to interaction with a potential buyer. The final Office Action did not explain how Han-Carlson discloses or suggests pre-commitment to a buyer guarantee. Nonetheless, Applicant has amended claims 57, 76 and 85 to require a commitment, prior to interaction with a potential buyer, to providing a buyer guarantee to address post-sale buyer dissatisfaction. Han-Carlson does not mention such a guarantee, much less pre-commitment to such a guarantee to address post-sale buyer dissatisfaction, or monitoring compliance with such a guarantee, or updating or controlling presentment of a media object comprising an electronic seal of certification based on whether the entity complies with such a pre-commitment.

Application Number 10/714,758
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As other examples, which should not be considered exhaustive, Han-Carlson makes no mention of a unique media object representative of the commitment and a non-unique second media object supplied by a system associated with the online marketplace, as recited by amended claim 67, or allowing a potential buyer to request information about the commitment to the selling practice by the online entity by clicking on a media object representative of the commitment and comprising an electronic seal of certification, as required by claim 69. Han-Carlson also fails to mention anything resembling a reputation rating of an online entity, much less monitoring such a reputation rating to determine compliance and thereby determine whether to modify a media object including a seal of certification.

Han-Carlson fails to disclose each and every limitation set forth in claims 55-64, 66-79, 81-87, 156 and 158-170. For at least these reasons, the Examiner has failed to establish a prima facie case for anticipation of these claims under 35 U.S.C. § 102(e). Withdrawal of this rejection is requested.

New Claims:

Applicant has added claims 171-177 to the pending application. No new matter has been added by the new claims. These claims find support throughout the Application as originally filed, including claims 57 and 76, FIG. 32, and paragraphs [0008], [0017], [0018] and [0061].

Han-Carlson fails to disclose or suggest the inventions defined by Applicant's new claims, and provides no teaching that would have suggested the desirability of modification to arrive at the claimed inventions. As one example, Han-Carlson fails to disclose or suggest an online entity committing to at least one of participation in a post-sale online dispute resolution process, disclosing a post-sale service policy, or a buyer guarantee that addresses post-sale buyer dissatisfaction, prior to interaction with a potential buyer in an online marketplace, as required by claims 171, 173 and 175, and new independent claim 177. Setting a sale price, as described in Han-Carlson, is not the same as or suggestive of these selling practices. Nor does Han-Carlson disclose or suggest monitoring compliance of an online entity with such selling practices, or taking any of the actions required by Applicant's independent claims based on monitoring of such sales practices.

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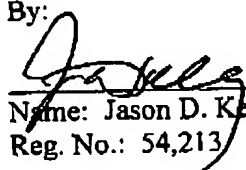
CONCLUSION

All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

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1-3-07
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